

N. Carolina H. W. Commission Docs

N.C. HAZARDOUS WASTE MANAGEMENT COMMISSION
MINUTES 11/16/89

The N.C. Hazardous waste Management Commission met on November 16, 1989, at the Sandoz Research Center Conference Room, in the Mallard Creek Research Center, Charlotte, NC, at 4:00 PM.(?) Members present were Dr. Al Turner, Chairman, Dr. Lonnie Sharpe, Dr. William Shingleton, Dorothy Kilpatrick, and Truman Koehler. Mary Odom arrived at 4:50 PM.

Dr. Turner called the meeting to order.

Dr. Turner presented the recommendation of the Technical Committee to offer the Environmental Engineer III position to David Morton at a salary range of \$40 - \$42,000 annually. The members of the Commission were given Mr. Morton's resume for review. Mr. Hinnant told the Commission that 13 people had applied for the position and that he had interviewed the top three applicants in person. Mr. Hinnant stated that the position had been authorized as a permanent position by the legislature. Mr. Hinnant made the other applications available to the Commission members. Ms. Kilpatrick made a motion that Mr. Hinnant negotiate with David Morton and offer him the position at a salary range of \$40 - \$42,000 annually. Dr. Sharpe seconded the motion. The motion passed unanimously.

Dr. Turner requested Mr. Hinnant to present his recommendations for the Clerk Typist III position. Mr. Hinnant stated that he received 21 applications. He said that the Commission had no authority to select the salary; the salary is decided by the State Personnel Office. The Commission is responsible for approving Mr. Hinnant's recommendation. Mr. Hinnant recommended Ms. Tracy Woody because she had general office experience and the ability to type was important as well as filing. Mr. Hinnant summarized the other applicants noting that the RIF employee was not interested in the position and that the other applicants were weak in typing and other experience. Ms. Kilpatrick made a motion that Mr. Hinnant offer the position to Ms. Tracy Woody. Dr. Shingleton seconded the motion. The motion passed unanimously.

Dr. Turner reminded the Commission that the Commissioners may want to make comments to staff about the rules, particularly after the Commissioners have heard public comments. Yvonne Bailey will be summarizing the public comments, and she asked the Commissioners to call or write her during the public hearing process if they have any comments or suggestions.

The next item on the agenda was the proposed contract in the amount not to exceed \$28,000 with the Land Resources Information Service (LRIS) of the Department of Environment, Health, and Natural Resources, (another State agency) for mapping work in connection with the second set of rules. Ms. Mary Odom arrived in the middle of these discussions. Dr. Turner noted that the major cost of the contract was the municipal data. Mr. Hinnant stated that he had been pleased with the work that LRIS had already done for the Commission. Mr. Koehler made a motion to approve the contract which was seconded by Ms. Kilpatrick. The motion carried. There were no opposing votes nor abstentions.

Dr. Turner adjourned the meeting.

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HAZARDOUS WASTE MANAGEMENT COMMISSION
MINUTES
9/22/89

The Hazardous Waste Management Commission conducted this meeting conference call. Members participating on the call were Chairman Turner, Lloyd Hise, Dorothy Kilpatrick, Dr. Lonnie Sharpe, Dr. Trenton Davis, and Mary Odom.

Dr. Turner called the meeting to order. The first item discussed was the draft temporary rules. Each member was faxed a copy of rules prior to the meeting. Yvonne Bailey, the Commission's attorney, has taken the draft procedures and criteria adopted at the Commission meeting and put them into the proper format to be submitted to the Office of Administrative Hearings. Dr. Trenton Davis made a motion that the Commission adopt the temporary rules and submit them to the Office of Administrative Hearings. Lloyd Hise seconded the motion. The motion was amended to include that Darrell Hinnant is authorized to sign documents on behalf of Dr. Turner to transmit the rules to the

Yvonne Bailey read the Certificate of Need for temporary rules which is to be signed by the Governor and Commission Chairman. The document states that there is a need for the temporary rules because of public health, safety, or welfare reasons and the October 17 date of CERCLA. Since the Governor has approved the Commission's schedule, it is also necessary to have temporary rules in order to carry out the approved schedule. Dorothy Kilpatrick made a motion to approve the Certificate of Need and to authorize Darrell Hinnant to sign on behalf of Dr. Turner, and Trenton Davis seconded the motion. The motion passed.

Darrell Hinnant brought out that a draft Memorandum of Agreement has been prepared between the HWMC and the Department of Environmental Health, and Natural Resources' Land Resources Information Service. The Service will screen the state as a result of the adoption of siting criteria by August 31. LRIS will provide a map on each criterion to show how much area of the state was eliminated and another map to show the combined effect of all criteria. Maps are to be black & white 8 1/2 x 11, suitable for handouts and wall-mounted display maps in color to use for demonstrations and informational purposes. Their estimate is \$1,000 for this work. In addition they have provided an estimate of \$8,000 to give presentations at four public meetings. Another \$3,000 has been allotted for other technical advice. The estimated total cost of the project is \$29,300.

Mary Odom made a motion that the Commission approve the Memorandum of Agreement, and Dr. Sharpe seconded the motion. Mr. Hinnant stated that the term of the contract is October 1, 1989 - March 1, 1990. The Commission agrees to reimburse LRIS on a cost-recovery basis for an amount not to exceed \$29,000. Dr. Sharpe requested that in item 1 of the phrase "in a 1:1,000,000 scale" be added to further describe the map suitable for mounting. The motion was passed with the amendments. Ms. Kilpatrick moved that Darrell Hinnant be authorized to sign the agreement on behalf of Dr. Turner. Dr. Sharpe seconded the motion and it was passed.

With no further business or comment, the meeting adjourned.

These minutes of the N.C. Hazardous Waste Management Commission are complete unless amended by the Commission at its subsequent meeting. If the minutes are amended, any changes will be noted with the announcement of the next Commission meeting.

N.C. HAZARDOUS WASTE MANAGEMENT COMMISSION
Minutes

October 26, 1989
Room 118

1:30 p.m.
1033 Wade Avenue

Commission members present for this meeting were Dr. Al Turner, Mr. Lloyd Hise, Mr. Truman Koehler, Mrs. Dorothy Kilpatrick, Mr. Henry von Oesen, Dr. Bill Shingleton, Mrs. Mary Odom, Dr. Lonnie Sharpe, and Dr. Trenton Davis. Dr. Turner called the meeting to order. Upon a motion by Dr. Shingleton and seconded by Mr. von Oesen, the minutes of the September 22, 1989, meeting were approved as written.

Darrell Hinnant gave the Commission an update on North Carolina's capacity assurance plan. Mr. Hinnant stated that North Carolina has negotiated for several months in an attempt to pull together a regional agreement with the seven other states of EPA Region IV. At a meeting in Atlanta on October 5, officials from the state of Alabama stated that they had made a decision that if a state is "banned" based on their statute, that Alabama would no longer be willing to sign a regional agreement with those states. North Carolina was not able to meet Alabama's requirements. The negotiators met with Governor Martin after returning from Atlanta to determine what North Carolina could offer to get over this hurdle. Attempts to finalize the negotiations were not successful. There appears to be a demand for N.C. not only to manage waste with an incinerator, but also to manage some portion of the ash from the incinerator and perhaps some portion of the landfillable waste which we now transport to other states. North Carolina submitted its Capacity Assurance Plan on October 17. Region IV will evaluate the document for completeness, and EPA headquarters will determine technical merit.

Dr. Turner announced that he received a letter from Governor Martin today. In paragraph two the letter states:

I am requesting the Hazardous Waste Management Commission pursuant to its powers set out at G.S. 130B-7 to determine what treatment technologies and design capacities in addition to the incinerator would be suitable for the safe management of the state's hazardous waste. In submitting recommendations, the Commission should reconsider the capacity proposed for the incinerator recommended as part of the regional agreement. The Commission should also propose a modified schedule for development of the required facilities.

Dr. Turner added that at his news conference this morning, the Governor said that since our offer of a 40,000 tons/year incinerator was not accepted by the states in EPA region IV, it looks like North Carolina has two alternatives: 1. If N.C. could convince the four states who signed the regional agreement that we were designing, constructing and would operate treatment facilities which would include a residuals management facility, it is possible that at some point we might be able to join in that four-state agreement and make it a five-state agreement. 2. If we cannot enter into a regional agreement with the other four states, we should begin to plan for a comprehensive

facility to treat and dispose of our own waste in North Carolina. Governor Martin suggested that we look at the following things: 1. Give him our best judgment on the addition of a solvent distillation unit in conjunction with the incinerator. The suggested capacity for this unit would be 10,000 tons/year. 2. Construction and operation of a landfill facility for treated residuals only with a capacity of 8 - 10,000 tons/year. The residue to be put in the landfill would be primarily the ash from our own incinerator.

Governor Martin asked that the Commission give him a decision today as to how soon they might be able to identify a site or sites for the incinerator, distillation unit, and the landfill, and to give recommendations to him concerning whether the previously mentioned capacities are reasonable. Dr. Turner reported that the Technical/Siting Committees discussed this at length in their morning meeting and feel that if the Commission remains with its current schedule, it could identify two suitable site(s) sites by the first week of May 1990. Dr. Turner added that the schedule would require a considerable amount of the members' time, but that it is a schedule that they can work with. The Governor also requested that he would like to tell the other four states that we could have these facilities in place by the December 31, 1991. The Technical/Siting Committee also discussed the capacities for solvent recovery and landfill. Mr. Hinnant reported that the Hazardous Waste Treatment Commission's capacity for solvent recovery was about 5500 tons/year. He noted that in the negotiations in Atlanta, it was mentioned that Seaboard Chemical may have to close down. There has been no attempt to use this company for long-term capacity for solvent distillation. This may account for the 10,000 tons/year figure the Governor has used for solvent distillation capacity.

In terms of landfill disposal capacity, the Governor suggested that the Commission first look at ash from the incinerator unit. The HWTC's previous consultant, Engineering-Science, estimated 6-8 percent of the waste received would remain as ash. Six percent of 40,000 tons is 2400 tons of ash. New regulations require that much of that ash be treated, stabilized, and encapsulated before it is shipped off-site so that volume will approximately double. If contaminated soils or soils from underground storage tank cleanups are burned, there could be a rapid increase in the percent of ash produced from the unit. The estimates of 8-10,000 tons/year is a number which considers ash from the incinerator operating under normal RCRA conditions plus some cleanup soils.

Ms. Odom asked the question, who from the business community is asking for the solvent recovery and landfill facility? Mr. Hinnant stated that this is a reflection of an issue that has been there all along, the equity issue. Even though this business has been privately run and operated in the past, citizens in South Carolina and Alabama are saying that it is not fair for one state to manage all of the waste. Mrs. Odom asked, where is the documentation of need from North Carolina business people? Mr. Hinnant stated that there are 600+ large waste generators in N.C. It is easy to identify those who send their waste to the S.C. or Alabama landfills. If S.C. leaves their landfill capacity of 135,000 tons in place and Alabama leaves their landfill capacity of 500,000+ tons in place, then there is no additional need for a landfill.

in the southeast region. But if Alabama and S.C. do as they described and lower the capacity available to North Carolina, companies may not be able to continue to send their waste to the landfills. If the state places a cap on the private operation, which they have done in the past, they can limit our access to that facility or artificially. Mrs. Odom asked if it is essential to have a landfill or is above-ground storage an option? Mr. Hinnant replied that the facility can be above or below ground. Dr. Turner added that Alabama has already cut off 22 states from disposing in their landfill in Emelle.

Ms. Kilpatrick asked if North Carolina has the option of negotiating with another region other than EPA Region IV? Mr. Hinnant replied that North Carolina has been actively involved in trying to negotiate with other regions but has not been successful. Ms. Kilpatrick also asked if other states would be able to use our landfill if we build one and what about aqueous treatment? Dr. Turner stated that we could give preferential treatment to our own generators and our own facility, but probably could not ban other states. If North Carolina is required to provide all their own waste treatment, it would have to provide aqueous treatment.

Mr. Hinnant added that the Governor suggested that the Management Commission investigate the opportunity for existing companies who are managing waste in N.C. to expand their capabilities. Mr. Hinnant stated that he would contact the operators of those companies.

Dr. Turner made a motion that the Commission relay to the Governor through its Executive Director that the Commission feels that its current schedule for siting will allow it to identify one or more suitable sites for a facility(ies) by early May 1990. The Commission agrees that it is possible to add a solvent distillation unit of approximately 10,000 tons/year and a residuals management landfill of approximately 10,000 tons/year. The Commission will reexamine those capacities after reviewing the 1988 annual report. The Commission will talk with waste management companies concerning possible expansion.

Mrs. Odom stated that she would not vote on such an extensive motion since the Commission has not had time to research and discuss the items that have been added. Dr. Sharpe felt that the motion should be split up into separate items so each person would fully understand what is being voted on. Dr. Shingleton suggested writing the motion out.

After discussion, the Commission recessed for 15 minutes in order for the staff to prepare a series of motions concerning these issues for the Commission's consideration.

After the Commission reconvened, Dr. Turner withdrew his motion made prior to the recess. The Commission voted on each of the following motions separately:

Motion 1

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The Hazardous Waste Management Commission proposes to the Governor that it is possible to site a facility(s) by May 1990, and that the facility can be operational by December 1991. Motion made by Mr. Hise, seconded by Mr. von Oesen. The motion passed with one opposing vote.

Motion 2

The Hazardous Waste Management Commission acknowledges to the Governor that it is possible to include solvent distillation and recovery and residuals management in a facility to be completed by December 1991. The solvent distillation and recovery (10,000 tons per year) and a residuals management (8,000 - 10,000 tons per year) capacities appear to be reasonable, but a final determination based on best data should be made. Motion made by Mr. von Oesen, seconded by Mr. Hise. The motion passed unanimously.

Motion 3

The Hazardous Waste Management Commission confirms to the Governor that its staff will work with existing treatment facilities in North Carolina to encourage them to expand and maximize their operations. Motion made by Mrs. Kilpatrick, seconded by Mrs. Odom. The motion passed unanimously.

Motion 4

The Hazardous Waste Management Commission recommends to the Governor that a plan be developed to site a hazardous waste management facility(ies) to manage North Carolina's needs in the event that a regional agreement cannot be achieved. The Commission will submit a plan to the Governor by December 1, 1989. Motion made by Dr. Shingleton, seconded by Dr. Davis. The motion was passed unanimously.

Dr. Shingleton made the following motion to add to the recommendations to the Governor:

The Hazardous Waste Management Commission urges the Governor to continue to encourage generators to expand their waste minimization and source reduction efforts and to support the Pollution Prevention Pays programs.

Mrs. Odom seconded the motion and it was passed unanimously.

Mr. von Oesen moved to reconsider the votes by which action was taken on motion 1. Mr. Hise seconded the motion. The motion passed.

Motion 1 was changed to read:

The Hazardous Waste Management Commission acknowledges to the Governor that it will proceed with the siting of a hazardous waste management facility(ies) by May 1990, and that the facility(ies) be

operational by December 1991. Mr. von Oesen made the motion, and Mr. Hise seconded it. The motion passed with one opposing vote.

The Commission then considered the draft of Rule Set 2 and Justification for Criterion 4 NCAC 18 .0203. The Siting/Technical Committees examined these rules at length this morning and voted to recommend these rules for adoption by the full Commission. Rule Set 2 must be submitted to the Office of Administrative Hearings by November 7. Dr. Turner read each draft rule and justification for each rule. Mrs. Odom stated that she had some question regarding rule 4 which states that a facility cannot be placed within a municipality except in areas zoned for industrial uses. She also stated some objections to rule 5 which states that a location cannot be selected within a census tract with a population density of greater than 500 people/sq. mile. After discussion, the consensus was to leave the draft rules as written and make changes, if necessary, during the public hearing process. Mrs. Kilpatrick made a motion that the Commission adopt this set of draft rules as written and make any necessary changes after the public comment is received on the draft rules. Mr. von Oesen seconded the motion. The motion passed unanimously. The rules adopted are as follows:

.0203 SITE LOCATION FACTORS AND CRITERIA

This Subsection sets out rules for excluding sites based upon the factors set out in G.S. 130B-11 which requires the Commission to consider hydrological and geological factors; environmental and public health factors; natural and cultural resources; local land uses; transportation factors; aesthetic factors; availability and reliability of public utilities; and availability of emergency response personnel and equipment in the development of site selection criteria.

- (1) A location shall not be selected to be placed upon the geological formations of Castle Hayne; Shady Dolomite; and Murphy Marble, Andrews Formation and Nottely Quartzite, Undivided; based upon the Geologic Map of North Carolina (printed by the Department of Environment, Health and Natural Resources, 1985 Edition).
- (2) A location shall not be selected to be placed within 10 miles from the centerline of the Blue Ridge Parkway.
- (3) A location shall not be selected within 5 miles of the State boundary.
- (4) A location shall not be selected to be placed within the corporate limits, effective November 7, 1989, of a municipality except on land zoned, as of November 7, 1989, to permit industrial uses. Corporate limits based upon 1988 North Carolina Department of Transportation maps which contain 1987 data submitted by the municipalities or 1990 pre-census maps from the United States Census Bureau, whichever is more current and complete, will be used in the second phase of statewide screening.
- (5) A location shall not be selected within a census tract based upon the 1980 data from the United States Census Bureau that has a population density greater than 500 people per square mile.

(Same)

- (6) A location shall not be selected to be placed upon a general soil association type that floods in more than 10% of the area based upon United States Department of Agriculture General Soils Association data.

A motion was made by Mr. von Oesen to approve the Certification of Need for rule set two. Dr. Davis seconded the motion. The motion passed unanimously.

A motion was made by Ms. Kilpatrick to approve additions in 4 NCAC 18 .0303, site selection procedures. Dr. Sharpe seconded the motion. The motion was passed unanimously. Following are the changes additions:

(d) The second phase of the statewide screening process will exclude general areas under the criteria set out at 4 NCAC 18 .0203. These criteria will eliminate additional unsuitable areas as those set out by the criteria at 4 NCAC 18 .0202.

(e) Following each set of criteria and subsequent screening process, the Commission will produce a state map showing the particular and cumulative effect of the elimination of unsuitable areas according to each set of criteria. The statewide screening is based upon the most recent and consistent data available for the entire state. As the Commission starts the investigation of suitable areas, there may be more detailed or more current information available to specific areas which the Commission will utilize.

A motion was made by Mr. von Oesen that the Certificate of Need also applies to the additions to 4 NCAC 18 .0303. Dr. Sharpe seconded the motion. The motion passed unanimously.

A motion was made by Mrs. Odom to approve changes to rule set 1 as noted in a memorandum from the Commission's attorney, Yvonne Bailey, dated October 25, 1989. The Administrative Rules Review Commission notified Ms. Bailey of several technical changes necessary in the rules. Dr. Davis seconded the motion. The motion passed unanimously.

A motion was made by Dr. Shingleton to approve the Justification of Criterion 4 NCAC 18 .0203. Ms. Kilpatrick seconded the motion. The motion passed unanimously.

Ms. Kilpatrick reported from the Education and Public Participation Committee which held its meeting at 10 a.m. Public hearings for rule set one were discussed. She noted that at least six Commissioners would be able to attend each meeting. Dr. Turner will be the hearing officer at these hearings. The Committee discussed obtaining a transcriber to record all public comment at the meetings. The staff is negotiating with a transcriber to do this work. Transcriptions of each hearing will be compiled for the Commission to review at its Dec. 7 meeting. The Committee reviewed the draft of rule set two. The Committee recommends to the Commission that the statewide maps showing the application of the first set of criteria be released at each of the four public hearings to be held for the discussion of the second set of rules. The Committee

recommends that after the formal hearing, the map be on display for the public to view. Before the meeting, the staff should have the map available for Commission members to view.

Dr. Turner added that the Commission has advertised for an environmental engineer.

With no further business or public comment, the meeting adjourned.

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1. Update on the continuation and expansion budgets for the biennium 1989-1991. No change has been made in the continuation budget for the biennium. In the first year of the expansion budget, the Commission was asked to reduce its request by \$85,0000. Staff has made suggestions to the chair of the expansion budget committee for the House and made suggestions on how they can reduce our request, but still meet our needs.
2. Invitation to counties to host facilities. In July of 1988, the Treatment Commission began a program to find a volunteer county to host the facility. Several counties responded, but no volunteer was found. Senate Bill 324 states that the Commission is to continue to seek a volunteer. A draft letter to representatives of all 100 counties was provided to Commission members for comment.

Mr. Jim Blackburn, General Counsel, N.C. Association of County Commissioners, spoke to the Commission on other methods to get information to counties. He mentioned that even though the Commission didn't get the desired response, the letter campaign last year succeeded in getting the attention of county managers and county commissioners throughout the state. Mr. Blackburn offered the assistance and support of the County Commissioners Association in getting information to county officials and the general public. Ms. Odom suggested that the HWMC make presentations on the issue of hazardous waste management at the Association's area meetings. She stated her concern that information on the issue of hazardous waste must be disseminated by the HWMC to the citizens in a way they can easily understand. Mr. Blackburn explained that the Association hopes to have a series of area meetings in the spring of 1990 to focus on environmental issues and that it may be possible to have the Commission make presentations at these meetings.

In her staff report, Marge Howell stated that a news release will announce meetings of the full Commission and its committees. Minutes from previous meetings will be mailed with the news release. Mailing list applications and information access procedures will be made available at each meeting.

Dr. Turner suggested that the HWMC set a regular meeting date on the fourth Thursday of each month at 10 a.m. The committees will meet at least once in between regular commission meetings. It will be up to the chair and members of each committee, in consultation with the staff, to set the location of committee meetings. The next HWMC meeting will be on July 27 at 10 a.m. Plans are to have the consulting firm Ebasco who has done siting work for the Low-Level Radioactive Waste Authority to make a presentation to the Commission. Also on the agenda for that meeting will be a discussion of the rulemaking process. Each committee will meet independently at 1:30 p.m. on July 27. Dr. Turner added that resource people from state government and elsewhere may be invited to attend committee meetings to provide expert information. Darrell Hinnant added that at the next Commission meeting, any citizen or representative of environmental groups who would like to make suggestions and recommendations on how the Commission can proceed in its tasks, may request time on the agenda.

With no further business, the meeting adjourned.

N.C. HAZARDOUS WASTE MANAGEMENT COMMISSION
July 27, 1989 10:00 a.m.
N.C. Utilities Commission Hearing Room
Second Floor, Dobbs Building
430 N. Salisbury Street
Raleigh, N.C.

AGENDA

1. Call to Order Dr. Alvis G. Turner,
Chairman
2. Installation of Commission Members
. The Honorable James C. Gardner,
Lieutenant Governor of North Carolina
3. Approval of Minutes Commission Members
4. Contract for Attorney General's office
. Darrell Hinnant,
HWMC Executive Director
5. Siting Approach Used by the Low-Level
Radioactive Waste Management Authority
. Samir Khoury,
Ebasco Services, Inc.
6. Review of the N.C. Rulemaking Process
. Darrell Hinnant
7. Public Comment
8. Report on EPA Region IV Roundtable talks
. Marge Howell
Public Information Officer
9. Additional Items
10. Adjournment

COMMITTEE WORK SESSIONS WILL CONVENE AT 1:45 P.M.

- I. Education and Public Participation Committee,
1029 Wade Ave.
- II. Technical Committee, 1033 Wade Ave.
- III. Siting Committee, 1301 Annapolis Dr.

N. C. HAZARDOUS WASTE MANAGEMENT COMMISSION
July 27, 1989
MINUTES

The N. C. Hazardous Waste Management Commission (HWMC) met on July 27, 1989, at 10 a.m. in the Utilities Commission Hearing Room, Dobson Building, Raleigh. Members present were Chairman Al Turner; Dr. Turner Davis; Dorothy Kilpatrick; Mary Odom; Dr. Lonnie Sharpe Jr.; Dr. William Shingleton and Henry von Oesen. Truman Koehler and Lloyd Hise Jr. did not attend.

Lieutenant Governor Jim Gardner administered the oaths of office to the Commission members.

A correction was made in the minutes of the July 14, 1989 meeting. On page 2, line 5, the figure should be \$85,000 rather than \$85,0000. The minutes were approved as revised.

Darrell Hinnant discussed the job description and the contract the Attorney General's Office had compiled concerning an attorney to assist the Commission with its legal affairs, including rulemaking, negotiation, and contractual agreements. He said the reimbursement paid to the Attorney General's Office would be a maximum of \$63,000. No profit will be made by the Attorney General's Office on the contract.

Henry von Oesen made a motion that was seconded to approve of the position and give Mr. Hinnant the authority to sign for the Commission the contract with the Attorney General's Office. The motion was carried unanimously.

A presentation was made by EBASCO on their siting procedure used by the North Carolina Low-Level Radioactive Waste Authority. Samir Khoury, David Hamrick, and Ms. Green represented the company. They described the process and methodology used in screening the state for sites for the Low-Level Radioactive Waste Repository to provide the Commissioners with a conceptual model.

The North Carolina Administrative Rulemaking Procedure was explained by Mr. Hinnant. He clarified the process of drafting, submitting, modifying, and implementing rules for the Commission.

Dr. Turner announced the public input period of the meeting and requested the comments be held to three to five minutes due to the tight agenda. He also announced that the Siting and Technical Committees would have a joint meeting at 1:45 p.m. to be held in the Commission's conference room and the Education and Public Participation Committee will meet at the same time in the Automobile Dealers Association Conference room. Dr. Turner asked for any comments during the public input period on the siting process or the screening process presented by EBASCO.

The first speaker was Richard Regan, the environmental coordinator for the Center for Community Action in Lumberton, NC, in Robeson County.

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Mr. Regan addressed the Commission on the issue of capacity. He said there is a big question as to whether a treatment facility is needed in the state. He implored the Commission to keep in mind the perception of many citizens is that a facility may not be needed. Mr. Regan then dealt with the issues of consistency and openness. He suggested that the number of executive sessions held to discuss sites be limited. He also requested the Commission consider socioeconomic criteria in their siting process. He suggested the Commission separate waste and politics to the extent possible. He concluded by commending the Commission on giving the public access to information on the Region IV Hazardous Waste Roundtable meetings.

Jane Sharp, from Chapel Hill, commented on both low-level radioactive waste and hazardous chemical waste. She requested the Commission try not to site any storage or treatment facility until there are specific regulations to reduce the quantity generated as fast and as completely as possible. She also requested equal appropriations, time, and expertise for prevention, recycling and exchange as for production, siting and storage of waste. Ms. Sharp submitted with her comments a copy of The Defense Monitor which indicates that U.S. chemical weapons production is poisoning the atmosphere as well as other things in North Carolina that are doing the same.

Dr. Turner commented that Senate Bill 324, which created the HWMC does not give the Commission authority to deal with waste minimization. The statute points out the efforts the state is currently making to minimize waste, including naming the official agency for waste minimization and establishing additional requirements for the regulatory authorities to ensure that generators are reducing their waste. The statute directs the HWMC to look at what facilities are needed and where they should be sited, whether they are necessary, and what capacity they should have. After this is done, the Governor and General Assembly approve the recommendations of the Commission.

Patricia Link, resident of Rowan County, addressed the Commission and made the following points: 1) The citizens of N.C. have no faith in bureaucracy's ability to monitor facilities. 2) The state is not addressing the issue of waste prevention and reduction. 3) Citizens want to be consulted on the issues that involve their lives.

Chip Hughes, Clean Water Fund, commented that he felt that it was good that the siting criteria will be put through a public process and feels it is a step forward. However, he thinks there will still be a problem with the public perception of need. He also expressed concern about volunteer counties meeting siting criteria. Mr. Hughes asked the Commission if there will be public input into the decisions concerning the siting process dealing with treatment, regulations, need, origin of waste and other questions. He expressed the hope that there would be public discussion to ensure confidence in a good process and that questions would be answered before a crisis situation is reached.

Charles Case, Chemical Industry Council of North Carolina, distributed an article from Newsweek that deals with some of the problems the Commission will be facing. He welcomed the Commission to

September 10, 1990

GRANVILLE SITE REVIEW COMMITTEE
P.O. Box 1400
Oxford, N. C. 27565

To: Hazardous Waste Management Commission Members

From: Granville Site Review Committee

Enclosed are a list of written questions that address important issues involved in the siting process of HEND 8. During the August 30, 1990 telephone conference Mr. Henry von Oesen agreed that written questions submitted by the Granville Site Review Committee would be answered by Waste Commission members.

We ask for your thoughtful consideration of each query and offer our thanks for a complete and prompt response.

QUESTIONS FOR THE HAZARDOUS WASTE COMMISSION

- (1) Did the H.W.M.C. use the parcel report on HEND8 prepared by P.E.I. in its determination of the two finalists for a preferred site? (If not, what sources of information did the H.W.M.C. use?)
- (2) Is the H.W.M.C. aware that the P.E.I. report on HEND8 contains a large number of serious errors, such as reporting that the nearest wetlands are more than 0.5 miles from the site when wetlands actually criss-cross the site over a large area, reporting that no faults or dikes are on the site when faults and dikes are found all over the site?
- (3) How can the H.W.M.C. continue to consider HEND8 as a suitable site when its inclusion in the final 18 high priority sites was based on erroneous, seriously flawed informational reports?
- (4) Has the H.W.M.C. made any attempts to do a basic "quality check" on P.E.I. or to have an independent consultant evaluate P.E.I.'s methodology given the substantial discrepancies between the findings of P.E.I. and those of the Granville County Site Designation Review Committee? If not, why?

QUESTIONS FOR THE HAZARDOUS WASTE COMMISSION
By Mark Chinn

Was Mecklenberg County eliminated from consideration due to air quality?

- (2) What data was used to determine air quality?
- (3) Has the Commission reviewed the 1988 Air Quality Report?
- (4) Why was Granville County not eliminated from consideration based on its inability to achieve the Air Quality Standards for ozone?
- (5) What impact will the Clean Air Act have on the consideration of Granville County?
- (6) What impact will the Clean Air Act have on the design or construction of the proposed facility?
- (7) What consideration have you given to the timing of events, knowing that federal and state laws are changing with regards to emission levels?
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(R. Newnam)

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HAZARDOUS WASTE COMMISSION

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by Ray Newnam

- (1) Why did you decide to ignore the recommendations documented in *Strategies for Improving Hazardous Waste Management in North Carolina* and persist in your efforts to site a facility in an economically depressed county?
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- (4) How do you plan to compensate the Granville County real estate industry for the nearly four million dollars that they have already lost from the siting process alone?
- (5) How do you plan to deal with the emotional distress created by forcing families off of land where their ancestors have lived for generations?
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- (8) Why would the Commission approve the construction of a rotary kiln incinerator when the E.P.A. has said that heavy metal emissions from such incinerators can pose a significant risk to the helath of the people living near it?

Will ThermalKEM monitor emissions for heavy metals
the technology to monitor such metals does not exist and
the E.P.A. information suggests that the metals attach to
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scrubbers?

(10) Given that a great number of Granville County residents eat
agricultural products and meat grown on their own land, what
plans has the Commission made to monitor the uptake of heavy
metals through the food chain?

(11) What are the effects of rotary kiln incinerator emissions on
plants and animals?

(12) Why would the Commission make a contract with ThermalKEM
that places no restrictions on the type of waste to be burned
when the E.P.A. has shown unequivocally that the burning of
volatile wastes produced carbon monoxide at levels that were
"clearly higher than the proposed limits"?

1. Do you have any other questions?
10. Will the "State of the Art" technology tests indicate that it will?
11. Do we have any other questions?
12. Do you have any other questions that ThermalKEM's record as a company that it will
allow you to answer with all right?
13. How did you really answer Granville County?
14. What are your plans for the future? Do you have any other questions?
15. How do you plan to answer the questions that have been asked?
16. Would you like to see a document from ThermalKEM?
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18. Can you guarantee that the emissions that we will be able to live with
and that of that in the future will be acceptable?
19. What do you think would be your best way to monitor the emissions
are totally safe?
20. How do you plan to answer Granville County?
21. Are you sure about the fact that you cannot find a public meeting
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JUDITH S. BOWDEN
Route 2, Box 296
Creedmoor, N.C. 27522
(919) 528-1815

September 7, 1990

SENSITIVE RECEPTORS:

1. Is a Hazardous Waste Incinerator the only alternative we have in North Carolina?
2. Who gave you the right to rape us of our Constitutional Rights?
3. What benefits will the average resident of Granville County be aware of from the burning of Hazardous Waste?
4. What group of people will benefit from the incinerator?
5. Will Hazardous Waste Inc. be a money making business?
6. Are you willing to listen to the voice of the people?
7. Do you really care about the people?
8. Does incineration destroy heavy metals such as chromium, cadmium lead and nickel?
9. Do landfills leak?
10. Will the "State of the Art" Hazardous Waste Incinerator never default?
11. Do we have the right to be afraid?
12. Do you feel confident that Thermal Kem's record is so great that it will allow you to sleep well at night?
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14. What are your plans for the economic disasters for our tobacco farmers, vegetable growers, chicken raisers, Real Estate people, builders and suppliers, etc.?
15. How do you plan to repay us for our heritages handed down in our county?
16. Would you work for a Hazardous Waste Incinerator?
17. Would you live near a Hazardous Waste Incinerator?
18. Can you guarantee us, the citizens, that we will be able to live safe and free of fear in our homes from incineration?
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20. Have you read our reports from Granville County?
21. Do you care about how we feel when you choose to sleep in a public meeting while we fight for our future and the lives of our children?
22. Would you be willing to work as hard on a committee for reduction and recycling?
23. Do you not feel that each industry is responsible for their own waste?

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(2) Is the H.W.M.C. aware that the P.E.I. report on HEND8 contains a large number of serious errors, such as reporting that the nearest wetlands are more than 0.5 miles from the site when wetlands actually criss-cross the site over a large area, reporting that no faults or dikes are on the site when faults and dikes are found all over the site?

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H. W. M. C. Commission Files

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Mr. Newnam H.W. Commission Docs

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M. Caroline H.W. Commission Docs

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